

REMARKS/ARGUMENTS

Reconsideration and allowance of the above-referenced application are respectfully requested.

Claims 1, 4, 5 and 8 have been amended. Claims 3, 13, 14, 23, 24 and 25 have been cancelled.

Applicants' attorney appreciates the acknowledgement of all withdrawn prior rejections.

Additionally, it is submitted that the objection to claim 25 is now moot in view of the cancellation of this claim, as shown above.

Rejection of Claims 8 and 9 Under 35 U.S.C. 112, Second Paragraph

The Examiner has rejected claims 8 and 9 under Section 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In response, Applicants submit that the Examiner's concerns, giving rise to the rejection, have been adequately addressed by the amendments to claim 8 noted above. Thus, it is respectfully requested that the Section 112, second paragraph rejection be withdrawn accordingly.

Rejection of Claim 25 Under 35 U.S.C. 112, Second Paragraph

The Examiner has rejected claim 25 under Section 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In response, Applicants submit that the cancellation of claim 25, as noted above, renders the rejection moot. Thus, the rejection should be withdrawn.

Rejection of Claims 8 and 9 Under 35 U.S.C. 112, First Paragraph

The Examiner has rejected claims 8 and 9 under Section 112, first paragraph as failing to comply with the enablement requirement.

In response, Applicants submit that claim 8 has been amended to reflect the use of the C11-10 antibody to detect the HCV antigen bound by the C11-14 antibody coated on the solid phase. The inadvertent confusion regarding the placement of the antibodies in the assay is regretted.

In view of the clarification, by way of amendment to claim 8, it is respectfully submitted that the Section 112, first paragraph rejection of claims 8 and 9 has been adequately addressed and should be withdrawn accordingly.

Rejection of Claims 8 and 9 Under 35 U.S.C. 112, First Paragraph

The Examiner has rejected claims 8 and 9 under Section 112, first paragraph as failing to comply with the written description requirement.

In response, it is submitted that the amendment to claim 8, noted above, addresses the Examiner's concerns giving rise to the rejection. Thus, it is respectfully requested that the rejection be withdrawn.

Rejection of Claims 1, 2, 5 and 6 Under 35 U.S.C. 102(b)

The Examiner has rejected claims 1, 2, 5 and 6 under Section 102(b) as being anticipated by Aoyagi et al. (WO 00/07023 = U.S. Patent No. 6,623,921).

In response, Applicants submit that the amendments to claim 1 (upon which the other rejected claims directly or indirectly depend) adequately address the Examiner's

concerns giving rise to the rejection. The rejected claims are not anticipated by the cited reference; thus, the Section 102(b) rejection should be withdrawn.

Rejection of Claims 3, 4, 13 and 14 Under 35 U.S.C. 103(a)

The Examiner has rejected claims 3, 4, 13 and 14 under Section 103(a) as being obvious over the teachings of Aoyagi in view of Mehta (U.S. Patent No. 5,753,430).

In response, Applicants submit that the rejection is now moot in view of the cancellation of claims 3, 13 and 14. Additionally, it is submitted that claim 4 has been amended, as noted above, to be dependent on claim 4. Thus, the Examiner's concerns relating to claim 4 are also rendered moot.

In view of the above, it is submitted that the rejection of claims 3, 4, 13 and 14 should be withdrawn.

Rejection of Claims 23-25 Under 35 U.S.C. 103(a)

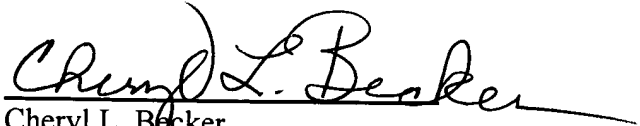
The Examiner has rejected claims 23-25 under Section 103(a) as being obvious over Aoyagi as applied to claims 13 and 14 in the prior action. In particular, the Examiner alleges that Aoyagi teaches the use of antibodies C11-10 and C11-14 in methods to simultaneously detect HCV antigens and antibodies in a sample; thus, it would have been obvious to those in the art to make such kits as described in claims 23-25.

In response, Applicants submit that the rejection is now moot in view of the cancellation of claims 23-25 as noted above. Thus, it is respectfully requested that the rejection be withdrawn.

It is believed that the subject application is in condition of allowance and Notice to that effect is respectfully requested.

Should the Examiner have any questions concerning this matter, she is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,  
Shah, et al.

A handwritten signature in cursive script that reads "Cheryl L. Becker". The signature is written in black ink and is positioned above a horizontal line.

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